

APPROVED: Meeting No. 6-81

ATTEST: *John M. Heneghan*

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The Mayor and Council of
in the Council Chamber, Rockvi
Maryland on Monday, February 2

2, 1981

eral session
reet, Rockville,

Mayor

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Tyner

ABSENT

Councilman John Freeland
(on travel leave)

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; Assistant City Manager Daniel Hobbs; City Attorney Roger Titus; Chief of Police Jared Stout; Director of Planning James M. Davis; Director of Recreation and Parks Ronald Olson; Director of Public Works Robert Goodin; Director of Finance John Lawton; Public Information Officer Sue M. Patterson.

Re: City Manager's Report

Mr. Blick reported the following:

1. The contractor for the Veirs Mill bridge is two months behind. Traffic will be moved to the new span in mid-May.
2. The County's Department of Transportation has announced that the Lincoln Park ride-on service will continue until the pedestrian overpass is completed. It will operate during rush hour - not all days, just six days - and extend to the Loftstrand and David Scull area.
3. The final details on fines for impoundment have been worked out with Montgomery County and animals will be moved to the County shelter on February 16.

Mr. Titus told the Council that the Court of Special Appeals review of the city's Stonestreet litigation has resulted in the original decision for the city being affirmed.

Re: Award of Contract to develop specifications for the replacement of the roof on swim center natatorium

There is a serious problem with leaks through the natatorium roof of the Swim Center. The roof is 13 years old and patch-repaired two years ago.

Final revised plans and specifications for the Swim Center Solar Project are complete and ready for bidding. Because the solar system is to be placed on the natatorium roof and will require considerable cutting and patching, Mr. Olson has recommended that a new roof be included in the solar bid package at this time.

The estimated cost of the roof is \$22,000.

It is recommended that the Mayor and Council approve the new roof for the Swim Center. Funding for design and construction of the roof (\$23,500) should be added to the Swim Center Solar capital project. The portion of the debt service attributable to this part of the project will be added to the Swim Center Fund. The project should not be funded on a pay-as-you-go basis from the Swim Center Fund balance because it would reduce the fund balance to zero.

Councilwoman Fordham asked the total amount that has been spent on the solar design of the Swim Center to date. Mr. Vandrey said when complete the total will be under \$12,000. Councilwoman Fordham said she had thought the figure was closer to \$7,500.

Mayor Hanna said he favors going ahead with the project, however, he wishes to qualify his agreement. He would like the shower heads to be repaired and he would stipulate that if they are not repaired there will be no contract. He has again received complaints from a citizen and he would like a report from the staff next week.

On motion of Councilman Tyner, duly seconded and unanimously passed, the staff was authorized to include a new natatorium roof on the Swim Center Solar bid package and authorized to execute a contract with Silver Associates for an amount not to exceed \$1,500 for the roof design. Silver Associates is the firm that designed the solar system.

Re: Desision: City Holiday, February 12, Birthday of Abraham Lincoln

Mayor Hanna told the Council the United States of America has had a number of gifted presidents but only one is recognized with a holiday. Twenty-two

states recognize Abraham Lincoln with a national holiday. He was the first president to be a martyr, he was the last of the frontier presidents. He was one of the last to be self-educated. He was the most eloquent of all the presidents. The country has been remiss up until this time. He would like to see February 12 declared a holiday in the city and to be part of a nationwide movement to make it a national holiday. He would like to see appropriate ceremonies or rites on that day in appreciation of Mr. Lincoln, a ceremony that would bring his humanity to the forefront. He would like to see something done in the schools and something done in the city that would bring forward what Abraham Lincoln stood for.

Councilwoman Fordham moved, duly seconded, that February 12, the birthday of Abraham Lincoln be a holiday. She said that in making this motion she would like some assurance that it would be a true holiday, not a Monday, and she would like to see something set up as a special event, even with an award to a citizen for qualities that emulate those that Abraham Lincoln stood for. Although this may not be possible this year, it should be by 1982.

Councilman Tyner said that although all good reasons have been expressed, he cannot support the designation. He feels that a rough time is ahead in the next two years for the country. The amount of money that will be spent is insignificant, but the city should adopt a posture of holding the line.

The motion declaring Abraham Lincoln's birthday as a holiday passed, all voting aye except Councilman Tyner who voted nay.

Re: Approval of Storm Water Management
waiver and acceptance of \$900
contribution

This project is located on the northeast corner of Stonestreet and Spring Avenues. Three lots (#68, 69 & 70) are proposed where two lots (#7 and 8) now exist. A small house at 605 Stonestreet Avenue exists on the front of proposed Lot 68. New houses are planned on Lots #69 and 70. The nearby storm drainage system can accommodate the runoff from these lots. This area drains toward Rock Creek by way of the stream crossing under Dover Road.

Staff recommends that the City waive the on-site SWM requirement and accept a contribution of \$900 (0.5 acres @ \$1,800) toward the off-site SWM program, subject to a conformable waiver by MSCD.

On motion of Councilman Tyner, duly seconded and unanimously passed, the on-site requirements were waived and a contribution was accepted in the amount of \$900.

Re: Approval of procurement method
for data processing system

In accordance with Article VII, Section 13.a.(4)(vii) of the City Charter and information from the Director of Finance, it is the City Manager's finding that it would be impracticable to obtain competitive bids for the purchase of data processing equipment by advertising and sealed bids .

He recommends that the Mayor and Council approve a method of "competitive negotiation". This will enable the City to take maximum advantage of competitive technical alternatives which will be proposed by various vendors. In accordance with the Charter, proposals will be solicited from the maximum number of qualified sources.

On motion of Councilman Tyner, duly seconded and unanimously passed, the City Manager was authorized to secure data processing equipment by competitive negotiation since it is his determination that it is impracticable to obtain competition by advertising in sealed bids since it would be unduly expensive to draft for solititation of bids, those adequate specifications to detail a description of the required supplies or services. This is according to the City Charter, Section 13.a.(4)(vii).

Councilwoman Fordham requested that the staff keep track of the running costs, including personnel, for this process.

Re: Introduction of Ordinance: To
Revise and Amend Appropriations
Ordinance for FY 1981 - Ordinance
No. 22-80

On motion of Councilman Abrams, there was introduced upon the table, an ordinance revising and amending appropriations ordinance for FY 1981, said ordinance to lay over at least one week before final action is taken.

Re: Adoption of Ordinance: To Amend
the Zoning Map by adding 9.69548
acres of land - Betts property
annexation

Ordinance No. 3-81

On motion of Councilman Abrams, duly seconded and unanimously passed, Mayor and Council all voting aye, Ordinance No. 3-81, the full text of which can be found

in Ordinance Book No. 10 of the Mayor and Council, amending the zoning map by adding 9.69548 acres of land, Betts property, was adopted by the Mayor and Council.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Bernard Rabin, 1022 Kennon Court. Mr. Rabin protested the application for Text Amendment T-40-80, and asked why the Mayor and Council requested such an amendment dealing with one profession, beauty culture. Mayor Hanna suggested that Mr. Rabin come and testify at the public hearing being held the following week. He explained that there is a conflict of state law on beauty culture as a home occupation and this is one alternative suggested to resolve the difficulty and no decision has yet been made.

2. Lucille Hood, 11 North Washington Street. Ms. Hood told the Council that today the ceiling of her dance studio started leaking water, endangering all of the children's safety. She asked for some help from the City. Mayor Hanna asked that the City Manager work with Ms. Hood to find other quarters since patch work repairs to a building slated for demolition would not be feasible.

Ms. Hood said she has a letter going to the Recreation and Park Board to discuss the problems of private business operations in competition with City programs. Mayor Hanna praised Ms. Hood and said that the Council will await word from the Recreation and Park Board on the program.

3. Roald Schrack. Mr. Schrack told the Council he is a member of the Montgomery County Cable TV Advisory Committee, and although he does not represent the City, he would be happy to do so and to assist in anything that would further Rockville's goals. Mayor Hanna thanked him for coming forward and asked Mr. Schrack to please keep the city informed on things it should know. Mayor Hanna noted that the city went through the application process in 1976 and there has been no further interest on the part of the citizens. He asked Mr. Schrack if in his meetings he has found any good answers for the programming of public channels as opposed to their availability. Mr. Schrack said the County was considering asking for a 5 percent tax that would finance local programming.

4. Robert Bort, 130 Monroe Street. Mr. Bort is a train commuter and he asked for some relief for the citizens who now have to travel much

further to board the train since access has been cut off on this side of the tracks. Mayor Hanna told Mr. Bort that the station opened before it was ready, but the City is still trying to do what it can to make it more comfortable.

Councilman Abrams said an outrageous situation exists and he would like to see what the city has outstanding in its dealings with Metro and what it can do from a legal standpoint since WMATA, too, is in the business of serving people and seems to have lost sight of that goal. Mr. Bort cautioned the Council against delaying Metro in anyway. He said the citizens are most anxious to have it. It is just an uncomfortable circumstance at this time.

5. Peter Myers, 5 Monroe Street. Mr. Myers suggested that it would help the citizens if the temporary walkway could be extended, and at the southern end of station, a narrow ribbon of asphalt to walk along the road bed and out of the debris. He also asked for some lights under the bridge. Although the parking lot is lit, the walkway under the bridge is not.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Selection of architectural
consultant for backstage
improvement at Civic Center
Auditorium

As part of the FY 81 Capital Improvement Program, the Civic Center complex was authorized to proceed with a study and plan to improve the Civic Center Auditorium back stage area. Interest for this study arose when increased use became limited due to the lack of technical and logistical theatre capabilities. A budget of \$15,000 funded through the CIP was adopted to provide Architectural/Theatre design services for back stage improvements.

A letter and Scope of Services for this project was sent to 105 architectural/theatre designer firms on November 26, 1980. In addition, advertisements for the job were placed in "The Washington Post", "The Washington Star", and "The Baltimore Sun". Ten firms submitted expressions of interest and qualification packets for performing the services.

A selection committee of Ron Olson, Director of Recreation and Parks, and Bob Peters, Civic Center Supervisor, reviewed the ten qualification packets. Six firms were selected as finalists, based on past experience on similar projects, qualifications of personnel, etc. In the opinion of the committee, each of the six firms selected is well qualified to perform the work.

On January 13, 1981 a pre-proposal meeting was held at the Civic Center Mansion where all six firms were represented. At this meeting, the Scope of Services was reviewed and discussed. A time schedule for the project was agreed upon and questions were clarified by City staff. An addendum to the Scope of Services was sent to each firm and site plans to the Auditorium were made available.

Final priced proposals were submitted by five of the six firms on January 30, 1981. The proposals were reviewed by the selection committee, and two firms were selected to be interviewed. On January 26, 1981, 30 minute interviews were conducted with each firm.

Listed below are the five firms chosen as finalists and their fee estimates for performing work on Phase I.

The Cooper-Lecky Partnership, Washington, D.C.	\$12,100
Mills Clagett and Wening, Washington, D.C.	12,700
Browne, Worrall and Johnson, Architects, Baltimore, MD	19,250
Thomas J. Madigan, AIA, Architect, Arlington, VA	19,750
RWK International, Inc., Washington, D.C.	26,300

After careful consideration it was determined that the Cooper-Lecky Partnership was the most cost effective firm to do the work.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the staff was authorized to contract with the Cooper-Lecky Partnership, in the amount of \$12,100.

Re: Selection of consultant for
Wootton's Mill Park Landscaping

The FY'81 CIP provides for the comprehensive planning and design of a Phase II Master Plan for Wootton's Mill Park. In order to plan, design and engineer the park project, the services of a registered landscape architectural firm are required. \$19,500 is budgeted in the FY'81 CIP for planning this project.

As outlined in the Scope of Services, the project and proposals were in two major parts:

Part I - Planning & Design Phases

Part II - Contract Document & Construction Inspection Phases.

Part II is considered an option, subject to further development and approval by the Mayor and Council of FY'82 CIP funding for Wootton's Mill Park construction of Phase II.

The proposals were received as per the following:

Firm	Part I	Part II	Total
VIKA, Bethesda, Maryland	\$4,440	\$7,250	\$11,690
DMW, Silver Spring, Maryland	4,000	8,320	12,320
Design Resources Assoc., Reston, VA	4,160	9,060	13,220
IPDS, Silver Spring, Maryland	-	-	14,114.65
Benning & Associates, Gaithersburg, MD	2,500	11,690	14,190
EDAW, Alexandria, VA	7,157	9,855	17,012
Smith/Kirwin, Inc., Towson, MD	3,400	13,800	17,200

After final review of the priced proposals, 3 firms were selected to participate. The firms were VIKA, DMW, and Design Resources Associates.

Examination of the prices reveals that VIKA Consulting firm is the low bidder for the full project (Part I and Part II), and Benning and Associates is the low bidder for Part I.

In the opinion of the staff, it is desirable to approve both parts of the consulting plan for Phase II development of Wootton's Mill Park by contracting with VIKA firm as low bidder. Part I will be implemented immediately, and Part II is subject to subsequent approval of construction funding by the Mayor and Council in the FY 82 CIP. A check of three references for the VIKA firm produced a very favorable recommendation.

Councilman Tyner asked how much had been budgeted and suggested that the staff be leary in pledging CIP funds until the Mayor and Council has had an opportunity to review the entire CIP.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Council approved the staff's recommendation.

Re: Briefing by Montgomery County
on solid waste recovery system

Representatives of Montgomery County briefed the Mayor and Council on the Montgomery County solid waste recovery system which will be located at Shady Grove Road. Copies of the material are available from Montgomery County. This is in the form of a feasibility analysis and an executive summary, both of which were prepared for Montgomery County in December of 1980, by the MITRA Corporation.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. E.B. and J.S. Frey, re Master Plan amendment
2. Mayor Kelly, Ocean City, re "To Oz Again" production

3. Delegate Perkins re triennial assessment
4. Bernice Havlik, re water bill problem
5. County Executive, re County use of Lawrence Court residence
6. E. McGuckian and A. Cissell, re proposal for Historical Research Associates

Councilman Tyner asked what is being done about this proposal. Since the original letter was referred to the Planning Department the Mayor and Council has received no word back on it. The City Manager said this type of request would go to the Humanities Commission. Mayor Hanna asked that a response be sent to this company saying that the City's plans have not changed but have not moved forward as rapidly as the Mayor and Council had wished. At the same time he asked if membership had ever been advertised for the members of the Humanities Commission and asked the Clerk to do so.

7. W.A. Krebs, re Open Space Grants

Re: Information Items

1. Copy of letter to Councilwoman Fordham re COG committee
2. Notice of RMSC passholders' meeting
3. Copy of letter to City re zoning of fireman's carnival grounds
4. Evaluation of high pressure street lighting
5. Year VII CDBG proposals
6. Memo from Police Chief re ASCA
7. Memo from City Attorney re Uhlmann, v. Mayor Hanna

Re: New Business

1. Councilman Tyner noted that Councilman Abrams had an article printed in the National League of Cities newsletter that is extremely well written.

2. Councilman Abrams said there is no place to stand and be sheltered while waiting for the B&O train and he asked the staff to talk to Metro or Chessie to consider a small expenditure for a shelter.

3. The City Manager said the staff has prepared comments on changes in the State's Five Year Consolidated Transportation Plan and asked for Council approval of the testimony. Mayor Hanna noted that he does not see why this request is being made to the delegation since they are being asked to do something which they have no authority to do.

4. The City Manager said the staff has been attempting to plan a celebration to relocate the B&O Station but it has difficulties in finding a date. The Public Information Officer gave materials to the Council on plans. Mayor Hanna said that the City cannot spend money for this.

Councilwoman Fordham moved that the City spend \$800 for the celebration. The motion failed for lack of a second.

4. The City Manager asked if the Mayor and Council would be planning to testify at the hearing on Double Taxation and asked about a Newsletter article. Councilwoman Fordham suggested that the City will be supporting the League Bill but Rockville finds itself in a different situation than other municipalities in the State. Mayor Hanna agreed and said Montgomery County has provided funds to Rockville so that the City is almost to a break-even point, and he did not feel the County would appreciate that kind of action on the City's part so the City will support the Bill as a state-wide concept but do nothing beyond that.

Re: Adjournment

There being no other business to come before the Mayor and Council in general session, the meeting was adjourned at 10:40 p.m. to convene again in general session on Monday, February 9, at 8:00 p.m. or at the call of the Mayor.